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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
VAUGHN, GREGORY J

ART UNIT	PAPER NUMBER
2178	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/895,989	TISCHER, STEVEN NEIL
	Examiner	**Art Unit**	
	Gregory J. Vaughn	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>04 October 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-3,6-13,16-19,21 and 24-27</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-3, 6-13, 16-19, 21 and 24-27</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Application Background

1.   This action is responsive to the Request for Continued Examination, filed on 10/4/2007.

2.   Applicant has amended claims 1, 6, 11, 16, 21 and 24, and canceled claims 5, 15 and 23. Claims 4, 14, 20 and 22 were previously canceled.

3.   Claims 1-3, 6-13, 16-19, 21 and 24-27 are pending in the case, claims 1, 11 and 21 are independent claims

4.   A request for continued examination filed under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after a final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office Action (dated 5/4/2007) has been withdrawn pursuant to 37 CFR 1.114.

5.   The examiner's rejection of claims 5, 15 and 23, rejected under 35 USC 112 and 35 USC 103, as described in the previous office action (dated 5/4/2007) is withdrawn in view of the canceled claims.

6.   The examiner's rejection of claim 1-3, 6-13, 16-19, 21 and 24-27, rejected under 35 USC 112, as described in the previous office action (dated

5/4/2007) is withdrawn in view of the amended claims, however new grounds

of rejection are described below.

7.   The examiner's rejection of claim 1-3, 6-13, 16-19, 21 and 24-27, made

under 35 USC 103, as described in the previous office action (dated

5/4/2007) is withdrawn in view of the amended claims, however new grounds

of rejection are described below.

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> "(a) A patent may not be obtained though the invention is not identically
> disclosed or described as set forth in section 102 of this title, if the
> differences between the subject matter sought to be patented and the
> prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary
> skill in the art to which said subject matter pertains. Patentability shall not
> be negatived by the manner in which the invention was made."

9.   Claims 1-3, 10, 11-13 and 21 are rejected under 35 U.S.C. 103(a) as

being unpatentable over the Yahoo search engine (as provided by the Way-

Back-Machine, including examples of the Yahoo search engine from

11/18/1999, 3/6/2000 and 6/8/2000 – Hereinafter Yahoo) in view of Krug et al.

US Patent 6,721,736, filed 11/15/2000, patented 4/13/2004 (hereinafter

Krug), and in further view of Kalluri et al., US Patent 6,931,660, filed

1/28/2000, patented 8/16/2005 (hereinafter Kalluri).

10.   **Regarding independent claim 1,** Yahoo discloses a hierarchical structure defining a plurality of layers, where the layers are associated with categories in the web page shown on Page 3. For instance the *"Government"* category shown in the middle of the page, on the left, contains the subcategories of *"Elections"*, *"Military"*, *"Law"* etc. The *"Government"* category is the higher layer category, and the *"Elections"*, *"Military"*, *"Law"* subcategories are the next-lower layer of categories. Yahoo discloses mapping the categories to areas on the display (shown as textual links as described above). Yahoo discloses receiving a first selection from a user and displaying the category mapped to the location, determining if the first selection is associated with a next lower layer of categories, and if so, then displaying those subcategories, if not than displaying the content. As is well known in the art, and shown by Yahoo on page 3, the user would select categories (for instance *"Government"*), which would display a new screen showing subcategories or content. This provides for an iterative process, where the user could navigate into lower subcategories or to content. When the user selection is content only, the selected content for that layer will be displayed.

Yahoo discloses presenting structured digital content items, as described above. Yahoo fails to disclose the presenting process as enabled by a first file that defines the hierarchical structure, and one or more second files that provide the content. Krug discloses a metadata search engine that is enabled by a first structure file, and a plurality of content files. Krug discloses reading

a first file defining a hierarchical structure for presenting digital content items, where the hierarchical structure defines a plurality of categories into which the digital content items are classified. Krug recites: *"FIG. 7 shows the HTML syntax tree provided by the syntax tree parser 20 corresponding to the search result frame 68 of FIG. 6. The syntax tree is the basis for all further procedures. In the preferred embodiments, the syntax tree parser is executed by a module of the interpreter programming language PERL. In the hierarchical syntax tree 76, the HTML tags are arranged in order of their appearance in the documents while their dependence on other tags 70 is represented by their level 78"* (column 10, lines 17-25).

Krug discloses reading a plurality of second files, where the second files defines at least one digital content item to be presented according to the hierarchical structure, and where the second file corresponds to one of the plurality of categories in Figure 2 at reference sign 14 (shown as *"Hits"*).

Therefore, it would have been obvious, to one of ordinary skill in the art at the time the invention was made, to implement the categorized content of Yahoo with the first and second files of Krug in order to *"improve the quality of the information retrieval process in the Internet"* (Krug, column 2, lines 40-41).

Yahoo and Krug disclose presenting structured digital content items as described above. Yahoo and Krug fail to disclose receiving a first and second display location from a user via a pointing device, said receiving occurring prior to displaying. Kalluri is directed toward providing digital content items to a user where the user selects the display location prior to displaying the

digital content. Kalluri recites: *"The user can also optionally select the display location of each of the multiple video streams"* (column 6, lines 33-35). Kalluri's invention is directed toward providing the digital content on a television, however Kalluri indicates that a pointing device is used (described as a remote control at column 6, line 25).

Therefore, it would have been obvious, to one of ordinary skill in the art at the time the invention was made, to combine presenting structured digital content items as described by Yahoo and Krug with user display location selection as taught by Kalluri in order to *"provide a return path for the user to interact with the content, e.g., to make selections"* (Kalluri, column 1, lines 20-21).

11.   **Regarding dependent claim 2**, Krug discloses an XML schema file. Krug recites: *"In the preferred embodiments, the search responses are encoded in either one of the markup languages HTML or XML. Documents encoded in these languages can be viewed as a sequence of markups (tags) placed within the text defining the format and layout of the text. In this context, the term "syntax" and accordingly "syntax element" refer to the representation of these markups within the text and their specific meaning. A syntax pattern is a certain sequence of such syntax elements, where the order and the relationship between the syntax elements are important features of the pattern. When displayed with an HTML or XML compatible browser (software tool for displaying Internet documents encoded in HTML or XML), changing*

one syntax element within an HTML or XML document usually has an effect on the appearance either with respect to the layout or the format of the corresponding part of the text" (column 4, line 59 to column 5, line 7).

12. **Regarding dependent claim 3**, Krug discloses the second file as XML. Krug states that HTML and XML are equivalent. Krug recites: "*In the preferred embodiments, the search responses are encoded in either one of the markup languages HTML or XML*" (column 4, lines 59-61). Krug further recites: "*FIG. 6 shows a sample of HTML source code 68 corresponding to a particular search result frame 58*" (column 10, lines 6-7).

13. **Regarding dependent claim 10**, Yahoo discloses receiving user input from a mouse. It is well known that a user would interact with the graphical user interface shown on page 3 of Yahoo, with a mouse, and that the use of a mouse or other pointing device is commonplace within the computer related arts.

14. **Regarding claims 11-13**, the claims are directed toward a computer-readable medium for the method of claims 1-3, and are rejected using the same rationale.

15. **Regarding claims 21**, the claim is directed toward a system, for the method of claim 1, and is rejected using the same rationale.

16.   Claims 6-9, 16-19 and 24-27 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Yahoo in view of Krug and Kalluri, and in further view of

Arnold et al. US Patent 6,745,161, filed 7/10/2000, patented 6/1/2004

(hereinafter Arnold).

17.   **Regarding dependent claims 6-9**, Yahoo, Krug and Kalluri disclose

hierarchical structured content with categories and layers, as described

above. Yahoo, Krug and Kalluri fail to disclose storing an indication of the

selected content (claim 6), storing the indication in the second file (claim 7),

storing the indication in a third file (claim 8) or storing the indication in the first

file (claim 9). Arnold discloses storing an indication of the selected file in

Figure 7, at the bottom of the figure where Arnold recites: *"Identified concepts*

and related information is embedded in the original source documents or in a

proxy documents containing concept tags".

Therefore it would have been obvious to one of ordinary skill in the art at

the time the invention was made to combine the storing of preferences as

taught by Arnold with the search engine teachings of Yahoo, Krug and Kalluri

in order to provide a *"method that allows a user to easily obtain information*

via the Web. The method should allow a user to use natural language, and

search based on idea concepts" (Arnold, column 2, lines 38-41).

18.   **Regarding claims 16-19 and 24-27**, the claims are directed toward a

computer-readable medium and a system, respectively, for the method of

claims 6-9, and are rejected using the same rationale.

Response to Arguments

19.   Applicant's arguments filed 10/4/2007, with respect to claim1-3, 6-13, 16-

19, 21 and 24-27 have been considered but are moot in view of the new

ground(s) of rejection, as described above.

Conclusion

20.   Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Gregory J. Vaughn whose telephone

number is (571) 272-4131. The examiner can normally be reached Monday to

Friday from 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Stephen S. Hong can be reached at (571) 272-4124.

The fax phone number for the organization where this application or

proceeding is assigned is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Gregory J. Vaughn/
Patent Examiner
December 18, 2007

STEPHEN HONG
SUPERVISORY PATENT EXAMINER